

REMARKS/ARGUMENTS

This paper is responsive to the Office Action mailed July 9, 2008. Claims 1-45 were pending before submission of this paper. Claims 1-45 stand rejected. Claims 5, 15, 18, and 32 have been amended. Claims 6-8, 11-14, 16-17, 19-21, and 23-31 have been cancelled. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

I. ABSTRACT

The Office Action makes note of the requirements for proper language and format for an abstract of the disclosure. Applicant has amended the abstract in accordance with the requirements cited in the Office Action and believes that the amended abstract is in compliance with the requirements recited in the Office Action.

II. CLAIM REJECTIONS UNDER 35 USC §102

Under 35 U.S.C. §102 "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

A. Claims 1-4, 35

Claims 1-4 and 35 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,737,491 issued to *Allen et al.* Applicant respectfully traverses this rejection as *Allen* does not disclose each and every element of claims 1-4.

Claim 1 recites:

1. The process of making images or other data from an image capturing device or other data capturing device or a combination thereof available to one or more

authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, *said capturing device* (a) *providing use information specifying said one or more authorized user of said images or other data*, (b) capturing said images or other data, and (c) accessing the Internet with said cellular Internet communication capability for initiating the transmitting of said images or other data to a service provider associated with said device serial number, the process comprising:

said service provider associating said device serial number and said use information to provide said images or other data to said one or more authorized user.

As noted above, claim 1, from which claims 2 depends, includes “associating said device serial number *and said use information* to provide said images or other data to said one or more authorized user.” With regards to the “use information,” claim 1 additionally recites that the use information is information “specifying said one or more authorized user of said images or other data” and that is provided by the capturing device.

The Office Action at page 3 asserts that the above limitation is disclosed by *Allen* at column 1, line 66 through column 2, line 7 and column 3, lines 5-28. Applicant respectfully disagrees. *Allen* at these locations discloses transmitting images via a wireless connection to a fulfillment server that provides services according to the device serial number. *Allen* does not, however, disclose associating “use information” that specifies authorized users of the images or other data, which is recited in claim 1. At most, *Allen* discloses that the image fulfillment server stores a data file relating the identification code (i.e. serial number) of a digital camera with information relating to the owner of the digital camera. (See *Allen*, column 3, lines 18-28). *Allen* does not disclose that this data file is provided by a capturing device as recited in claim 1. Moreover, and importantly, the data file does not specify authorized users of the images or other data as set forth in claim 1. Therefore, the data file of *Allen* is not “use information” that specifies “said one or more authorized user of said images or other data” as recited in claim 1. Thus, Applicant respectfully submits that *Allen* does not anticipate claim 1.

Claim 3 recites “said CSP or PCSP transmitting said prepared images or other data to an application service provider (ASP) associated with said device serial number to enable said ASP to associate said device serial number and said use information to provide to said set of authorized users said images or other data.” Claim 3 additionally recites “said capturing device (a) providing use information specifying said one or more authorized user of said images or other data.” Therefore, for reasons similar to those discussed in connection with claim 1, *Allen* does not disclose “associating said device serial number *and said use information* to provide said images or other data to said one or more authorized user.”

Claims 2 and 35 depend from claim 1 and claim 4 depends from claim 3 and, therefore, Applicant respectfully submits that claims 2, 4, and 35 are allowable at least for being dependant on an allowable dependent claim.

B. Claim 15

Claim 15 is rejected under 35 U.S.C. §102(b) as being anticipated by *Roustaei et al.* Claim 15 has been amended to additionally recite “wherein said images or other data relate to a subset of parcel delivery applications, public safety applications, and public utility applications.” As noted in the Office Action at page 13, *Roustaei* does not disclose this limitation. Therefore, *Roustaei* does not anticipate amended claim 15. The Section 103 rejection of claim 17, which contains limitations similar to the limitations added to amended claim 15, is addressed below.

C. Claim 18

Claim 18 is rejected under 35 U.S.C. § 102(b) as being anticipated by *Ausems et al.* Claim 15 has been amended to additionally recite “wherein said image or other data, or combination thereof, relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing and is captured automatically at the site and time of said capture, and wherein said instructions are provided to said CSP or PCSP over cellular Internet access or by satellite access.” According to the Office Action at page 15, *Ausems* does not disclose “wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of

the foregoing.” Consequently, Applicant respectfully submits that *Ausems* does not anticipate amended claim 18. The Section 103 rejection of claim 20, which contains the limitation added to amended claim 18, is addressed below.

D. Claims 32-34

Claims 32-34 are rejected under 35 U.S.C. §103(a) as being anticipated by *Roustaei et al.* Applicant respectfully traverses this rejection.

Claim 32 recites:

32. The process of aggregating into one information feed *multiple data streams of images or data*, or a combination thereof, *received via cellular Internet transmission from a plurality of devices* each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to a service provider,

 said one information feed being displayed for at least one authorized user by said service provider.

The Office Action asserts that the limitations of claim 32 are disclosed at paragraphs [0004], [0009], [0019], [0038], and [00042] of *Roustaei*. Applicant respectfully disagrees. For example, the Office Action at page 25 specifically states that a view or display window allows a user to view captured images. The view or display windows disclosed in *Roustaei*, however, allow users to view images taken by the device to which they are attached. (See e.g., *Roustaei*, paragraph [0004]). *Roustaei* does not disclose that these images displayed on the view or display windows were “received via cellular Internet transmission from a plurality of devices” as recited by claim 32. Consequently, *Roustaei* cannot anticipate claim 32.

Further, claim 32 recites “aggregating into one information feed multiple data streams of images or data” where the “information feed [is] displayed for at least one authorized user.” *Roustaei* does not disclose this feature. At most, *Roustaei* discloses displaying an image that has been captured by a device. (See *Roustaei*, paragraph [0004]). The images displayed by the device of *Roustaei*, however, are not from multiple data streams and are not aggregated into

an information feed that is displayed to a user, as recited by claim 32. As a result, *Roustaei* does not anticipate claim 32.

Similarly, claim 33 recites “aggregating into one information feed multiple data streams of images or data” that is “received via cellular Internet transmission from a plurality of devices” and that “said one information feed [is] displayed for an authorized user.” As a result, arguments similar to those made above in connection with claim 32 apply to the rejection of claim 33. Therefore, Applicant respectfully submits that *Roustaei* additionally does not anticipate claim 33.

Similar to claims 32 and 33, claim 34 recites “aggregating into one information feed multiple data streams of images or data” that are “received via cellular Internet transmission from a plurality of devices” and that “said one information feed [is] displayed for one or more authorized user.” As a result, arguments similar to those made above in connection with claims 32 and 33 apply to the rejection of claim 34. Therefore, Applicant additionally submits that *Roustaei* additionally does not anticipate claim 33.

E. Claims 37-40

Claims 37-40 are rejected under 35 U.S.C. §102(b) as being anticipated by *Roustaei et al.* Applicant respectfully traverses this rejection.

Claim 37 recites:

37. The process of *aggregating into one information feed multiple data streams of fragmentary data* received via cellular Internet transmission *from a plurality of devices* each having an electronically readable device serial number and cellular Internet communication capability for initiating delivery of said images or other data to a service provider,

said one information feed being displayed using an XML or other agreed protocol data feed for displaying said images or other data to one or more authorized user by said service provider.

For reasons similar to those discussed above in connection with claim 32, *Roustaei* does not disclose “aggregating into one information feed multiple data streams of fragmentary data” and “said one information feed being displayed using an XML or other agreed protocol data feed.” The Office Action generally points to paragraphs [0004], [0009], [0019], [0038], and [00042] for disclosure of all elements of the claim. It is not clear what the Office Action considers to disclose “aggregating into one information feed multiple data streams of fragmentary data.” Applicant respectfully submits that the reference does not disclose this feature. Referring specifically to the cited paragraphs, *Roustaei* at most discloses sending single data streams over one information feed. For instance, paragraph [00042] describes sending an image over a single information feed. As noted in the last sentence of the paragraph, if more than one image is sent, they are sent sequentially. Even if one were to consider multiple images as “multiple streams of data,” *Roustaei* does not disclose that the images are fragmentary. Consequently, Applicant respectfully submits that *Roustaei* does not anticipate claim 37.

Similarly, Claims 38 and 39 recite “aggregating into one information feed multiple data streams of fragmentary data received...from a plurality of devices” and “said one information feed being displayed using an XML or other agreed protocol data feed.” Consequently, Applicant respectfully submits that *Roustaei* does not anticipate claims 38 and 39 at least for reasons similar to those discussed above in connection with claims 32 and 37.

Claim 40 recites “transmitting said prepared images or other data to a service provider associated with said device serial number *for enabling said service provider to associate said device serial number and said use information* to provide to said set of authorized users said images or other data.” The Office Action asserts that this limitation is disclosed at paragraphs [0037], [0041], and [0044]. Applicant respectfully disagrees.

As noted in the Office Action at page 30, the cited paragraphs describe an imager connected to a transceiver device with Internet connectivity that can transfer images to a web site and that a conference call can be set up with a web server as a party in order to remotely record the conference call. The Office Action does not specify what it considers to be “use information” in the cited paragraphs. However, with respect to “use information,” claim 40 recites that the use information is “specifying one or more authorized user of said images or

other data.” *Roustaei* does not disclose information that specifies one or more authorized users of images or other data that is associated with a device serial number to provide the specified users the images or other data, as recited in claim 40. Further, *Roustaei* does not disclose that the service provider associates the device serial number and the use information to provide the images or other data to authorized users specified by the use information. The Office Action asserts that “it is well known in the art for data transmission from capture image devices to consist of an identification number or serial number or internet protocol address.” (Office Action, page 30). Even assuming that to be true, the fact that a data transmission includes an identification number of a capture image device does not mean that a device receiving the data transmission associates the identification information with use information specifying one or more authorized users of the data in the transmission, as recited in claim 40.

Further, Applicant respectfully points out that “to anticipate a claim, the reference must teach every element of the claim.” M.P.E.P. § 2131. Each and every element must be found, either expressly or inherently described, in a single prior art reference. *Id.* As the Office Action does not cite any reference disclosing the limitation of “said capturing device having an electronically readable device serial number” and presents no evidence that such a feature is inherent in *Roustaei*, Applicant respectfully submits that the Office Action’s rejection of claim 40 under Section 102 is improper. Consequently, for at least these reasons, Applicant respectfully submits that *Roustaei* does not disclose claim 40.

F. Claim 42

Claim 42 is rejected under 35 U.S.C. §102(b) as being anticipated by *Roustaei et al.* Applicant respectfully traverses this rejection.

Claim 42 recites:

42. The process of making images or other data from an image capturing device or other data capturing device, or a combination thereof available to one or more authorized user, said capturing device having an electronically readable device serial number and cellular Internet communication capability, *the process using use*

information specifying said one or more authorized users of said images or other data,
said process comprising:

an ASP receiving from a CSP or a PCSP said images or other data that are provided to said CSP or PCSP as a call from said capturing device using said capability, said ASP *associating said serial number and said use information* to provide said images or other data to said one or more authorized user.

Because claim 42 recites “said ASP associating said serial number and said use information” wherein the use information is “specifying said one or more authorized users of said images or other data,” Applicant respectfully submits that claim 42 is not anticipated by *Roustaei* at least for reasons similar to those discussed above in connection with claim 40.

G. Claim 44

Claim 44 is rejected under 35 U.S.C. §102(b) as being anticipated by *Roustaei et al.* Applicant respectfully traverses this rejection.

Claim 44 recites:

44. The process of making images or other data from an image capturing device or other data capturing device, or a combination thereof available to one or more authorized user, said capturing device capturing said images or other data, said capturing device having an electronically readable device serial number and cellular Internet communication capability, *the process using use information specifying one or more authorized user of said images or other data*, said process comprising:

a CSP or a PCSP (a) accepting accessing from said capturing device and recognizing it as a call communicating said images or other data to be provided to said one or more authorized user and (b) preparing said images or other data for transmission to said one or more authorized user, said process including using said device serial number for preparing said images or data for transmission; and

said CSP or said PCSP transmitting said prepared images or other data to an ASP associated with said device serial number *for enabling said ASP to associate said device serial number and said use information* to provide to said one or more authorized user said images or other data.

Because claim 44 recites “enabling said ASP to associate said device serial number and said use information” wherein the use information is “specifying one or more authorized user of said images or other data,” Applicant respectfully submits that claim 44 is not anticipated by *Roustaei* at least for reasons similar to those discussed above in connection with claim 40.

III. CLAIM REJECTIONS UNDER 35 USC §103

With regard to rejections under 35 U.S.C. § 103, the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not.” MPEP §2142. Accordingly, “the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142; see *KSR International Co. v. Teleflex, Inc.*, 550 U.S. __, 82 USPQ 2d 1385 (1395-97 (2007).

A. Claim 5

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No 2001/0034222 issued to *Roustaei et al.* in view of *Allen*. Applicant respectfully traverses this rejection.

As amended, claim 5 recites:

5. An image capturing device or other data capturing device, or combination thereof, having cellular Internet capability and an apparatus to delete a captured image or

other data as a result of said captured image or other data being completely transmitted by said capability.

The Office Action asserts that *Allen* teaches an operation via a microphone that digitizes a voice command and deletes a digital image if the command is erased. (Office Action, page 6). According to the Office Action, it would have been obvious to combine this feature with the apparatus of *Roustaei* that has cellular Internet capability in order to achieve the claimed subject matter. (Office Action, pages 5-6).

As amended, claim 5 recites that the apparatus deletes the captured image or other data “as a result of said captured image or other data being completely transmitted[.]” *Allen*, however, teaches that the image is deleted as a result of a digitized voice command having a certain value. Whether an image has been completely transmitted plays no role in a determination to delete the image in the device of *Allen*. Therefore, even assuming one with ordinary skill in the art would have had reason to consider a combination of the teachings of *Roustaei* and *Allen* (which is not the case), the references, alone or in combination, do not teach all features of the claims. As a result, Applicant respectfully submits that claim 5 is not obvious over *Roustaei* in view of *Allen*.

B. Claim 15

As amended, Claim 15 includes limitations similar to the original claim 17, which is rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Roustaei et al.* in view of *Allen* and in further view of *Inoue*. Applicant respectfully traverses this rejection.

Claim 15, as amended, recites:

15. A PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data over the Internet for delivery to one or more authorized user, said PDA running software providing instructions for

operating on said images or other data during such delivery, wherein said images or other data relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing, and *wherein said image or other data, or combination thereof, is automatically captured and transmitted* to said one or more authorized user without the use of a human at the site and time of said capture.

The Office Action cites to *Inoue* for teachings regarding a self-timer mode that allows a camera to shoot an image without the use of a human at the site and time of said capture. (Office Action, page 14). Applicant respectfully submits that, even assuming one with ordinary skill in the art would have reason to consider a combination of the teachings of *Inoue*, *Allen*, and *Roustaei*, such a combination would not result in the claimed subject matter because the references do not teach all the limitations of the claim.

As amended, claim 15 recites that the image or other data “is automatically captured and transmitted.” *Roustaei*, *Allen*, and *Inoue* do not teach this limitation, either in combination or individually.

Moreover, one with ordinary skill in the art would not look to modify *Inoue*’s teaching of a self-timer in order to provide the features recited in claim 15. *Inoue*, for example, is directed to a digital camera that displays a captured image longer when the self-timer is used than when the self-timer is not used. (See *Inoue*, Abstract). This allows the person who set the self-timer to easily view images he has directed the capture device to capture. (See e.g., *Inoue*, column 1, lines 30-62). As described in the specification at page 7, the claimed subject matter is useful, for example, in situations where it is desirable to send real-time images of field operations to newspapers or police department dispatch centers, who make decisions based on the received images. In such situations where the subject of a captured image may be occupied or unaware of the capture device, a self-timer is undesirable because it requires human intervention to transmit any captured image and it requires the subject of the photograph to repeatedly set the self-timer to capture additional images. Therefore, for at least these reasons, claim 17 is not obvious over *Allen* and *Roustaei* in view of *Inoue*.

C. Claim 18

Claim 18, as amended, contains limitations similar to those of original claim 21, which is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ausems* in view of *Allen* and in further view of *Inoue*. Applicant respectfully submits that claim 18 is not obvious for the reasons cited in the Office Action in connection with claim 21.

Claim 18 recites:

18. A PDA having cellular Internet access capability for receiving images or other data from a device also having cellular Internet access capability, said images or other data having been captured by said device, said PDA using its cellular Internet access capability for transmitting said images or other data to a CSP or a PCSP, said PDA running software providing said CSP or PCSP with instructions for operating on said images or other data, wherein said image or other data, or combination thereof, relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing and is captured and transmitted to said CSP or PCSP automatically at the site and time of said capture, and wherein said instructions are provided to said CSP or PCSP over cellular Internet access or by satellite access.

The Office Action cites to *Inoue* for the same teaching for which the reference is cited in connection with claim 15. For reasons similar to those discussed above in connection with claim 15, *Inoue* does not teach “wherein said image or other data, or combination thereof, relate to parcel delivery applications, to public safety applications, to public utility applications, or to a combination of the foregoing and is captured and transmitted to said CSP or PCSP automatically at the site and time of said capture.” Consequently, a combination of the teachings of *Allen*, *Ausems*, and *Inoue* would not result in the subject matter of claim 18. Therefore, Applicant respectfully submits that claim 18 is allowable.

IV. DEPENDENT CLAIMS

This amendment addresses the independent claims and some dependent claims pending in the application. Because the applicants submit that the independent claims are allowable, the other dependent claims are allowable at least because they are dependent upon an allowable claim. Nevertheless, applicants submit that the dependent claims further define subject matter not shown in or made obvious in view of the prior art.

V. CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

/Scott S. Adams/

Scott S. Adams
Reg. No. 63,302

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
SSA:kbh
61627688 v1